

FILED
BILLINGS DIV.
2011 JUL 19 AM 10 06
PATRICK E. DUFFY, CLERK

DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BILLINGS DIVISION

DON TANGWALL,)	
)	Cause No. CV-11-39-BLG-RFC-CSO
Plaintiff,)	
)	
v.)	ORDER ADOPTING FINDINGS
)	AND RECOMMENDATIONS OF
RANDAL SPAULDING,)	U.S. MAGISTRATE JUDGE
Musselshell County District Judge,)	
DAVID CYBULSKI, Sheridan)	
County District Judge, WILLIAM)	
NELS SWANDAL, Park County)	
District Judge, and MIKE)	
MCGRATH, Chief Justice of the)	
Montana Supreme Court,)	
)	
Defendants)	
)	

Plaintiff Don Tangwall, proceeding *pro se*, filed this 42 U.S.C. § 1983 action seeking injunctive relief against three Montana District Court Judges and the Chief Justice of the Montana Supreme Court. United States Magistrate Judge Carolyn Ostby has entered Findings and Recommendation (*doc. 18*) on Defendant's Motion to Dismiss (*doc. 9*), concluding that most of Tangwall's

claims are barred by judicial immunity and those that remain must be dismissed for failure to state a claim for relief that is plausible on its face. Since she also concludes amendment would be futile, Magistrate Judge Ostby recommends the Amended Complaint (*doc. 4*) be dismissed with prejudice.

Upon service of a magistrate judge's findings and recommendation, a party has 14 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, no party filed objections to the Findings and Recommendation. Failure to object to a magistrate judge's findings and recommendation waives all objections to the findings of fact. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1999). However, failure to object does not relieve this Court of its burden to review de novo the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).

After a de novo review, the Court determines the Findings and Recommendation of Magistrate Judge Ostby are well grounded in law and fact and adopts them in their entirety. Accordingly, **IT IS HEREBY ORDERED** that Defendants' Motion to Dismiss (*doc. 9*) is **GRANTED**: the First Amended Complaint is **DISMISSED WITH PREJUDICE**.

The Clerk of Court shall notify the parties of the making of this Order and close this case.

DATED this 19th day of July, 2011.


RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE